IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 20TH MARCH 2007 / 29TH PHALGUNA 1928

WP(C).No. 34717 of 2005(G)

PETITIONER:

N.K. HARILAL,
RETIRED SELECTION GRADE LECTURER NOW RESIDING AT
LAL BHAVAN, NANGIARKULANGARA, ALAPPUZHA DISTRICT.

BY ADV. SRI.P.SREEKUMAR
SRI.K.S.MANU (PUNUKKONNOOR)

RESPONDENTS:
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1. **THE DIRECTOR OF COLLEGIATE EDUCATION,**
   THIRUVANANTHAPURAM.

2. **THE ACCOUNTANT GENERAL (A & E),**
   KERALA, THIRUVANANTHAPURAM.

3. **THE PRINCIPAL,**
   BISHOP MOORE COLLEGE, MAVELIKARA.

4. **KERALA STATE HOUSING BOARD,**
   REPRESENTED BY ITS SECRETARY,
   HOUSING BOARD BUILDINGS, THIRUVANANTHAPURAM.

BY ADV. SRI.A.JAYASANKAR, SC KSHB, TVM
SRI.SATHISH NINAN
SRI.SANTHOSH MATHEW
BY GOVERNMENT PLEADER SRI.T.T.MUHAMMED

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.34717/2005

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE REPORT OF PENSIONARY CLAIMS ISSUED BY THE 2ND RESPONDENT.

EXT.P2:- COPY OF THE GRATUITY PAYMENT ORDER ISSUED BY THE 2ND RESPONDENT

EXT.P3:- COPY OF THE ORDER DT.23.1.06 OF THE 1ST RESPONDENT.

EXT.P4:- COPY OF THE REQUEST DT.30.12.06 SUBMITTED BY THE PETITIONER.

/TRUE COPY/

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K.M.JOSEPH, J.

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WP.(C) No.34717 OF 2005

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Dated this the 20th day of March, 2007

JUDGMENT

Petitioner retired from service as Selection Grade Lecturer on 31.3.2003. DCRG and other benefits were sanctioned as early as on 21.3.2003. A loan was availed by the petitioner from Housing Board. It was in arrears. The contention of the petitioner is ofcourse that it cannot be realised unless there is an agreement. The contention is that he has not given an undertaking. Petitioner has a case that petitioner is entitled to one time settlement. Petitioner has moved Ext.P4.

2. I heard counsel for the petitioner, Standing Counsel for the Housing Board besides the learned Government Pleader.

3. Learned counsel for the petitioner would submit that if the Housing Board is inclined to grant one time settlement to the petitioner, the petitioner does not press the contention based on absence of agreement to recover the amount from DCRG.

4. Learned counsel appearing on behalf of the Board would submit that in view of the fact that one time settlement scheme is

extended upto 31.3.2007, the Board will grant the benefit due to the petitioner under one time settlement. Learned counsel for the petitioner would then submit that actually there is no justification for recovering any amount by way of interest after 1.6.2003 as there was no legal impediment in the Housing Board collecting the amount from the DCRG for the reason that there was no stay preventing them from collecting the same. In the light of the stand taken by the counsel for the Board, the writ petition is disposed of as follows:

There will be a direction to the fourth respondent to take action on Ext.P4 and to grant the benefit of one time settlement due in law to the petitioner. To facilitate the same, petitioner shall be present before the Assistant Secretary of the Kerala State Housing Board at Alleppey at 11 a.m., on 28.3.2007 and appropriate decision will be taken as aforesaid on Ext.P4 within a period of one week thereafter. It is open to the petitioner to contend before the Assistant Secretary that interest may not be charged for the period from 1.6.2003. I note that the petitioner has in fact filed the writ petition only on 12.12.2005. If after hearing the petitioner interest is charged for the period from 1.6.2003, I

leave open the right of the petitioner to challenge the same in appropriate proceedings.

The writ petition is disposed of as above.

(K.M. JOSEPH, JUDGE)

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K.M.JOSEPH, JJ.

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W.A. No. OF

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JUDGMENT

Dated this the day of February, 2006.